

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Monday, October 18, 2010 – 9:00 a.m. – Room C445 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. Curtis Oda, House Chair  
Sen. Gene Davis  
Sen. Brent H. Goodfellow  
Pres. Michael G. Waddoups  
Rep. James R. Gowans  
Rep. Carol Spackman Moss

**Members Absent:**

Sen. Mark B. Madsen  
Rep. Rebecca D. Lockhart  
Rep. Merlynn T. Newbold

**Staff Present:**

Mr. Arthur L. Hunsaker, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Tracey Fredman, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.leg.utah.gov](http://www.leg.utah.gov).

**1. Committee Business**

Chair Stephenson called the meeting to order at 9:24 a.m. Rep. Lockhart was excused from the meeting.

**2. Update: Two-year Duration of Contact Lens Prescriptions**

Ms. Francine Giani, Executive Director, Department of Commerce, reported that following the September 20, 2010 meeting of the Administrative Rules Review Committee, their Department: 1) updated its licensing website to remind licensees that state law requires a contact lens prescription expiration date to last two years from the commencement date unless documented medical reasons require otherwise; and 2) sent a letter to sellers of contact lenses reminding them of this law. Ms. Giani noted that because ophthalmologists are considered M.D.'s they are not on the board with optometrists, and therefore a separate letter will shortly be sent to them.

Mr. Clive Watson, O.D., Executive Director, Utah Optometric Association (UOA), commented on a recent meeting of the UOA during which the issue was discussed. Mr. Watson also distributed copies of a letter sent to UOA members as a follow up on the matter.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing (DOPL), stated that a pop up window appears online when an application for license renewal is completed via the Internet, which also reminds the individual of the two year expiration requirement.

Sen. Stephenson noted that the two year requirement is contained in the Optometrist section of the licensing code, but not in the ophthalmologist and physician sections. Sen. Stephenson asked Ms. Giani and Mr. Steinagel to review whether the two year requirement also applies to ophthalmologists and physicians and to provide their recommendation to staff.

**3. R156-55a-301 Solar Photovoltaic Contractors – Scope of Practice**

Mr. Steinagel, noted that the Legislature has given DOPL rulemaking authority to establish specialty contractor licenses. He presented the background of the S202 Solar Photovoltaic Contractor license and the recently raised concerns among electricians that the S202 allows contractors to do electrical work as defined in statute without an electricians license. Mr. Steinagel indicated that the options for modifying the rule under consideration are to 1) eliminate the S202 License, or 2) modify its scope. Mr. Steinagel welcomed discussion and recommendations from the Committee.

The Committee expressed support for the work Mr. Steinagel has been doing on this issue.

Sen. Stephenson suggested that the Business and Labor Interim Committee be notified by letter that DOPL is considering a change in rule to comply with current statute and to see if the committee would

want to change the law to allow current practice. Mr. Steinagel said DOPL would prepare and send a letter.

No action was taken on this item.

#### **4. Charges Assessed by Ambulance Services**

Sen. Goodfellow distributed "Current Billing Information" and expressed concern with fees charged for ambulance services by the Unified Fire Authority.

Mr. Michael Jensen, Chief, Unified Fire Authority (UFA), explained that some of the rates listed in the billing information, such as emergency and mileage rates, are set by order and rule through the Department of Health. Mr. Jensen said that other rates are based on the level of care given by the paramedics who responded.

Mr. Ross Fowlks, Battalion Chief, and Mr. Marty Slack, Assistant Chief, UFA, responded to questions about mileage charges and emergency fees.

Dr. Marc Babitz, M.D., Division Director, Family Health and Preparedness, Department of Health, noted that every citizen in the state has access to ambulance service. Dr. Babitz discussed increases in quality of ambulance equipment and paramedic service over the years, and the criteria considered when costs are determined.

Mr. Paul Patrick, Director, Emergency Medical Services, Department of Health, discussed "R426-16 Emergency Medical Services Ambulance Rates and Charges," and the current process of setting ambulance rates by order.

Sen. Stephenson asked what authority the Department of Health uses to set ambulance service rates by order instead of by rule.

Mr. Patrick said he would look into this and respond back to staff. He also said that, in response to recommendations from the Committee, the department will consider revising the rule.

Mr. Allan Liu, Financial Analyst, Department of Health, responded to committee members' questions regarding smaller agency's billing practices.

No action was taken on this item.

#### **5. Committee Business**

Future meetings were scheduled for November 15, 2010 at 9:00 a.m. and December 13, 2010 at 9:00 a.m.

#### **6. Adjourn**

Chair Stephenson adjourned the meeting at 11:03 a.m.